

Message

From: ECOS [ecos@ecos.org]
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To: Beck, Nancy [Beck.Nancy@epa.gov]
Subject: ECOS Breaks Down the EPA Funding Numbers, Seeks WOTUS Comment Extension, & More

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Table of Contents

- [President Trump Signs Remaining FY 2019 Appropriations](#)
- [U.S. EPA Unveils PFAS Action Plan](#)

- [Proposal to Narrow WOTUS Definition Published in Federal Register](#)
 - [ECOS Issues Green Report on CWSRF Innovations](#)
 - [State News You Can Use](#)
 - [Need-to-Know News in Compliance and Enforcement](#)
 - [ITRC](#)
 - [Career Opportunities](#)
 - [Upcoming Events](#)
-

President Trump Signs Remaining FY 2019 Appropriations

Bill Flat Funds U.S. EPA, Awards Separate \$25M Infrastructure Increase

Today, President Trump signed a partial omnibus bill funding all remaining government agencies including U.S. EPA through the end of Fiscal Year (FY) 2019. The measure, which passed both the Senate and the House yesterday, funds EPA at \$8.058 Billion. This amount is equal to the agency's FY18 funding level and is \$1.9B greater than the President's Budget Request for FY19. The State and Tribal Assistance Grants (STAG) account sees an almost \$43M increase but an equivalent increase in rescissions of prior-year STAG appropriations. The omnibus contains many of the same EPA-related policy riders as in previous years. For ECOS' summary chart of regular EPA appropriations, click [here](#).

Also similar to last year, \$791M of supplementary infrastructure funding to EPA is provided through Title IV of the bill, a separate portion of the bill from the one containing ordinary EPA appropriations. This amount is \$25M greater than FY18 appropriations under Title IV, and goes to support:

- Clean Water State Revolving Fund (bringing its total to \$1.7B)
- Safe Drinking Water State Revolving Fund (\$1.2B)
- Water Infrastructure Finance and Innovation Fund (\$68M)

- Other Infrastructure Grants

After signing the bill, President Trump declared a national emergency in order to help procure up to an additional \$8B for construction of a barrier at the southern border. This money likely will be repurposed from Department of Defense appropriations, potentially including Army Corps of Engineers accounts. ECOS will provide updates on this process in future editions of *ECOSWIRE*. [McAleer]

U.S. EPA Unveils PFAS Action Plan

U.S. EPA this week released a wide-ranging Per- and Polyfluoroalkyl Substances (PFAS) Action Plan highlighting short- and long-term actions planned by the agency. These include:

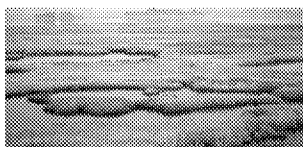
- Addressing drinking water. EPA will propose a regulatory determination, as outlined in the Safe Drinking Water Act, by the end of 2019 to establish the need for a maximum contaminant level for PFOA and PFOS, two of the most well-known PFAS;
- Continuing enforcement and cleanup. EPA has already begun the regulatory process to list PFOA and PFOS as hazardous substances under the Superfund statute, and will issue interim groundwater cleanup recommendations for the two substances;
- Focusing on monitoring. EPA will propose to include PFAS in the next Unregulated Contaminant Monitoring Program, and will consider PFAS for listing in the Toxics Release Inventory;
- Expanding research. EPA will develop new analytical methods to detect PFAS, create cost-effective methods for removing and remediating the contaminants, and close the gap on science related to human health effects, sources, and transport pathways; and
- Communicating risks. EPA will create a toolbox to help states, tribes, and local partners effectively communicate about PFAS to the public.

EPA noted that it will continue to enforce cleanups using the current health advisory limit of 70 ppt for PFOA and PFOS and will support state enforcement actions. The agency says the plan responds to public input gathered from the agency's National PFAS Summit for stakeholders in May, numerous listening sessions in affected communities in the fall, and thousands of comments submitted to the *Federal Register*. EPA also emphasizes that this

is the first time the agency has built a multi-media, multi-program, national communication and research plan to address an emerging environmental challenge like PFAS.

The ECOS PFAS Caucus will examine the plan and continue its work to fill information gaps and share best practices among states. For more information on the caucus, email [Sarah Grace Longworth](#) of ECOS. [Longworth]

Proposal to Narrow WOTUS Definition Published in Federal Register *ECOS Requests Comment Extension*



On February 14, the *Federal Register* published U.S. EPA and the Army Corps of Engineers' revised Waters of the U.S. (WOTUS) Rule. The proposed rule, announced in December, aims to clarify federal authority under the Clean Water Act and replace the Obama Administration's 2015 definition. The proposal is the second of a two-step process to review and revise the current definition, as directed by President Trump in a February 2017 Executive Order.

Under the agencies' proposal, traditional navigable waters, tributaries to those waters, certain ditches, certain lakes and ponds, impoundments of jurisdictional waters, and wetlands adjacent to jurisdictional waters would be federally regulated. Waters that would not be classified as "waters of the United States" include: features that only contain water during or in response to rainfall (e.g., ephemeral features); groundwater; many ditches, including most roadside or farm ditches; prior converted cropland; stormwater control features; and waste treatment systems.

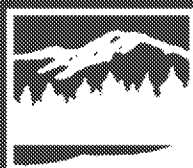
For more information on the proposed rule, see the EPA factsheets [here](#), and an Association of Clean Water Administrators (ACWA) resource comparing 1986 WOTUS Jurisdiction, 2015 Obama Rule Jurisdiction, and 2019 Trump rule jurisdiction [here](#).

Yesterday, ECOS, ACWA, the Association of State Wetlands Managers, and the

Association of Fish and Wildlife Agencies submitted a joint [letter](#) via the [regulations.gov](#) docket for the WOTUS redefinition asking the agencies to extend the 60-day comment period by another 60 days. According to the state associations, this will ensure that states have sufficient time to provide thorough and useful comments in light of the complexity of the rule's impacts and the delay in the public outreach hearings.

U.S. EPA and the Army Corps are hosting several opportunities for state input on the proposed rule as part of the public review process, including half-day discussions for state officials at the following locations: Kansas City, Kansas on **February 26**; Atlanta, Georgia on **March 11**; and Albuquerque, New Mexico on **March 26**. The state discussion sessions will allow for state input on the proposed new definition and implementation considerations. State officials who would like to attend any of these meetings should email wotus-outreach@epa.gov to receive meeting details and registration information. [Piper]

ECOS Issues *Green Report* on CWSRF Innovations



E C O S

This week, ECOS published a *Green Report* entitled *Clean Water State Revolving Fund: A Flexible Tool for Advancing Clean Water*. Building on a [May 2016 Green Report](#) on innovative uses of CWSRF funding, the new report highlights 12 additional state projects funded by the CWSRF, particularly ones that benefit disadvantaged communities, build recipient capacity, and address resilience challenges.

Three of the projects from this report were chosen by a selection committee to receive special recognition and were featured in a [national webinar](#). [Swanson]



State News You Can Use

[Louisiana Interactive Map Advises Citizens on Water Quality for Fishing, Swimming](#)

[Colorado Rewards Top Recycled End-Market Business Ideas](#)

[Kansas Holds Harmful Algal Bloom Meeting to Address Concerns for the Coming Season](#)

Need-to-Know News in Compliance and Enforcement

U.S. EPA Highlights 2018 Annual Environmental Enforcement Results

NCI Comment Period Set to Run thru March 11

Area of Focus: Compliance and Enforcement

U.S. EPA announced this week the highlights of its FY2018 enforcement successes achieved alongside states and tribes. They include:

- Commitments to treat, minimize, or properly dispose of over an estimated 540 million pounds of waste;
- Commitments to reduce, treat, or eliminate 268 million pounds of pollution (air, toxics, and water);
- Commitments to clean up over 244 million cubic yards of contaminated soil and water;
- Prevention of the illegal importation of approximately 2,200 vehicles and engines that fail to comply with EPA emissions standards;
- Reduction of exposure to lead through 140 enforcement actions impacting lead paint against renovation contractors, landlords, property managers, realtors, and others;
- Investment of nearly \$4 billion in actions and equipment that achieve compliance with the law and control pollution; and
- Cleanups and redevelopment at more than 150 sites through use of Superfund enforcement tools.

EPA's Enforcement and Compliance program also established National Compliance Initiatives (NCIs) focusing federal enforcement and compliance resources on the objectives of EPA's Strategic Plan. As reported in last week's edition of *ECOSWIRE*, EPA is soliciting public comment by **March 11** on its FY 2020-2023 NCIs through a Federal Register notice. States that have already provided NCI input need not resubmit their comments.

ECOS Vice President Jim Macy will lead a discussion of the NCIs with U.S. EPA enforcement chief Susan Bodine at the upcoming ECOS Spring Meeting. Agenda and registration information is located on the ECOS website. [Parisien]



ITRC

Interstate Technology and Regulatory Council



Martin Suuberg



Maureen Sullivan

ITRC Announces Annual Meeting Plenary Speakers

The Interstate Technology & Regulatory Council is pleased to announce two distinguished plenary breakfast speakers at the 2019 ITRC Annual Meeting: Martin Suuberg, Commissioner of the Massachusetts Department of Environmental Protection (MassDEP), and Maureen Sullivan, Deputy Assistant Secretary of Defense for Environment.

Suuberg has nearly 30 years of experience working in environmental and natural resource agencies at the state and federal level. Prior to his appointment as Commissioner, he served as Undersecretary for Environmental Affairs in the Executive Office of Energy and Environmental Affairs. He also was Deputy Commissioner for Policy and Planning within MassDEP. Read more [here](#).

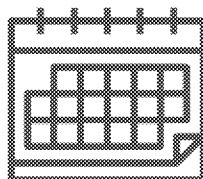
Sullivan's Department of Defense (DoD) career spans 38 years. She is responsible for DoD's policies and programs related to compliance with environmental laws; management of natural and cultural resources; cleanup of contaminated sites; safety & occupational health, and other areas. Read more [here](#).

The 2019 ITRC Annual Meeting will be held in Boston, Massachusetts on March 25-28. Learn more and register [here](#). [Olonoff]

Career Opportunities

Iowa Seeks Chief Policy Advisor & Legislative Liaison

The Iowa Department of Natural Resources has a vacancy for an Executive Officer 3 to serve as Chief Policy Advisor and Legislative Liaison for the Department's Environmental Services Division. For specific job duties, requirements, and application information, click [here](#), and search by job title. [Parisien]



Upcoming Events

U.S. EPA on the Homeland Security Research Program

U.S. EPA's Office of Research and Development (ORD) will host a webinar for states on its Homeland Security Research Program Strategic Research Action Plan (StRAP) and Research Area Teams on **February 19 at 1-2 p.m. Eastern.**

Over the last several months, ORD's National Program Directors have worked with ERIS and other state government associations to engage states in their strategic research planning process. The overall goal is to better align ORD's research programs with EPA programs and regional office, state, and tribal research priorities. This webinar will provide a high-level overview of the draft StRAP for EPA's Homeland Security Research Program for FY 2019-2022. Topic areas include contaminate characterization and consequence

assessment, environmental cleanup and infrastructure remediation, and system approaches to preparedness and response.

Please consider attending this webinar and sharing the registration information with other agencies in your state that deal with these topics. For the draft plan and more information, email [Sarah Grace Longworth](#) of ECOS/ERIS.

Register [here](#). [Longworth]

ITRC on Remediation Management of Complex Sites

ITRC will hold an online training course on *Remediation Management of Complex Sites* on **February 19 at 1-3:15 p.m. Eastern**.

At some sites, complex site-specific conditions make it difficult to fully remediate environmental contamination. This training course and [associated guidance document](#) provides a recommended holistic process for management of challenging sites, termed "adaptive site management." After attending this training, participants will be able to: identify and integrate technical and nontechnical challenges into a holistic approach to remediation; develop a long-term performance-based action plan; apply well-demonstrated techniques for effective stakeholder engagement; and access additional resources, tools, and case studies most relevant for complex sites.

Learn more and register [here](#). [Olonoff]

U.S. EPA on Organic Bans

U.S. EPA will hold a sustainable materials management webinar on **February 21 at 1-2 p.m. Eastern** to highlight state and local organic bans. [Vermont](#) and [Massachusetts](#) both implemented regulations in 2014 to promote food recovery and decrease the disposal of food scraps in municipal solid waste. [Metro](#), the regional government for the Portland, Oregon metropolitan area, recently adopted a policy that requires food-generating businesses to separate food scraps from garbage. These three state and local entities at the forefront of organics recovery policy will discuss how they implemented such actions, what metrics they use, and what their progress is to date, including jobs created, food recovery infrastructure, and lessons learned from their programs.

Register [here](#). [Longsworth]

ITRC on TPH Risk Evaluation at Petroleum-Contaminated Sites

ITRC will hold its first online training course on *TPH Risk Evaluation at Petroleum-Contaminated Sites* on **February 21 at 1-3:15 p.m. Eastern**.

It is important to consider a comprehensive cumulative risk-based approach to total petroleum hydrocarbon (TPH) cleanup and long-term management. After attending this training, participants will be able to: recognize how TPH-impacted media interacts with the environment and changes over time; select appropriate analytic method(s) to match site objectives; apply the decision framework to determine when a site-specific target level may be more appropriate than a generic screening level for TPH; and use the [ITRC document](#) as a go-to resource for evaluating TPH risk at petroleum-contaminated sites.

Learn more and register [here](#). [Olonoff]

U.S. EPA on PFAS

U.S. EPA's Office of Research and Development will host its small systems monthly webinar on **February 26 at 2-3 p.m. Eastern** to discuss treatment technologies for removing chemicals of concern, specifically per- and polyfluoroalkyl substances, cyanotoxins, perchlorate, and 1,4 dioxane. The webinar was previously scheduled for January 29 but was moved due to the government shutdown. If you registered for the January 29 webinar, you do not need to register again.

More information on the webinar is available [here](#). [Longsworth]

U.S. EPA on CMAQ Modeling

U.S. EPA's Office of Research and Development will host a tools and resources webinar on **February 27 at 3-4 p.m. Eastern** (rescheduled from January 16) on recent enhancements to the Community Multiscale Air Quality (CMAQ) Modeling System. CMAQ is a comprehensive state-of-the-science air pollution modeling system used worldwide to study air pollution issues and guide development of abatement strategies. States and EPA

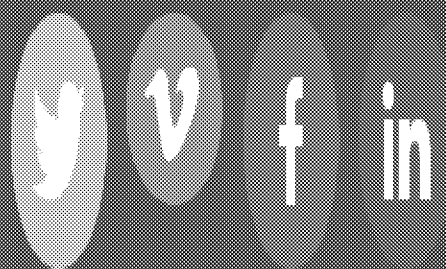
have used the system for more than two decades. CMAQ is regularly updated to incorporate knowledge on the state of the science and more effectively characterize air quality. The latest version, CMAQv5.3, is slated for release this summer.

To join the webinar, please register [here](#). If you are unable to listen through your computer speakers, dial (866) 299-3188 and enter access code 202-564-6669. Contact [Lisa Matthews](#) of U.S. EPA for more information or [Amy Scheuer](#) with registration questions. [Parisien]

National Academies on Multi-Sector General Permit for Industrial Stormwater Discharges

Under the Clean Water Act, U.S. EPA's Multi-Sector General Permit (MSGP) for industrial stormwater discharges requires industries to manage onsite stormwater to minimize discharges of pollutants to the environment. The National Academies of Sciences, Engineering, and Medicine have been reviewing U.S. EPA's MSGP to identify opportunities for improvement with a focus on monitoring and retention standards. On **February 27 at 3:30 p.m. Eastern**, the National Academies will host a webinar to review the findings and recommendations of this new report that will be released on February 20 at [this site](#).

Register [here](#). [Parisien]



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